

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MARCH 20, 1990
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:14 a.m. The meeting was recessed by Mayor O'Connor at 11:10 a.m. to meet immediately in Closed Session regarding pending litigation in the twelfth floor conference room and to reconvene at 2:00 p.m. The meeting was reconvened by Mayor O'Connor at 2:05 p.m. with all members present. Mayor O'Connor adjourned the meeting at 5:14 p.m. to convene the Redevelopment Agency Meeting.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Roberts-present
 - (3) Council Member Hartley-present
 - (4) Council Member Pratt-present
 - (5) Council Member Bernhardt-present
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Abdelnour (eb,rb)

FILE LOCATION: MINUTES

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ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-not present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-133: (R-90-1406 Rev.1) ADOPTED AS AMENDED AS RESOLUTION
R-275340

19900320

Authorizing the execution of an agreement with Gruen, Gruen & Associates, to conduct a reuse and redevelopment study for the Community Concourse; authorizing the expenditure of an amount not to exceed \$100,000 for the purpose of providing funds for the above project, with those funds coming from the following sources: \$35,000 from the Centre City Development Corporation's carry-over funds related to Community Concourse reuse; and \$65,000 from CIP-37-220.0 (Fund 41301).

(Centre City Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: City Council Resolution No. R-2722452, adopted on November 29, 1988, directed the City Manager "to develop plans and specifications for the development of a new Civic Center." A major component of this effort is the reuse or redevelopment of the existing Community Concourse. The City will retain ownership of the underlying Concourse property and use the revenues flowing from redevelopment to support financing for the new Civic Center. Redevelopment options range from adaptive reuse of existing buildings to developing significant new structures. A Request For Proposals was issued on December 18, 1989; four firms responded and were interviewed on February 2, 1990. The interview panel unanimously recommended Gruen, Gruen & Associates. Aud. Cert. 9000755.

FILE LOCATION: MEET CONTFY90-1

COUNCIL ACTION: (Tape location: A061-274.)

MOTION BY ROBERTS TO APPROVE THE STUDY BUT PUT A HOLD ON THE DESIGN COMPETITION. Second by McCarty. The motion was trailed for Council discussion.

Council Member McCarty withdrew the second to the motion.

Council Member Filner seconded the motion. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-nay, Henderson-nay, McCarty-nay, Filner-yea, Mayor O'Connor-yea.

ITEM-151: (R-90-1360 REV.) ADOPTED AS RESOLUTION R-275341

Establishing a parking time lime of two hours on Bernardo Center Drive between I-15 and Bernardo Road in the Rancho Bernardo Community, notwithstanding the provision of Section 86.01 of the San Diego Municipal Code, this parking limitation shall be in force on nonenforcement days; authorizing the installation of the necessary signs and markings; declaring that the hereinabove imposed regulations shall become effective upon the installation of such signs.

(See Committee Consultant Analysis TLU-90-9. Rancho Bernardo Community Area. District-1.)

COMMITTEE ACTION: Initiated by TLU on 2/12/90.

Recommendation to approve the placement of a two-hour parking limit on Bernardo Center Drive from I-15 to Bernardo Road and install the necessary signage. Districts 1, 3 and 5 voted yea. Districts 4 and 8 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A274-289.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

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ITEM-310: WELCOMED

Welcoming a group of approximately ten students from Johnson Elementary School, accompanied by their Principal, Karen Gates. This group will arrive at approximately 10:30 a.m.
(District-4.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A315-317.)

COUNCIL MEMBER PRATT WELCOMED THE GROUP.

ITEM-330:

Two actions relative to vacating a portion of "E" Street and "F" Street east of California Street and west of Kettner Boulevard:
(See City Manager Report CMR-90-51. Centre City Community Area. District-8.)

Subitem-A: (R-90-1169) ADOPTED AS RESOLUTION R-275342

Vacating a portion of "E" Street and "F" Street east of California Street and west of Kettner Boulevard.

Subitem-B: (R-90-1170) ADOPTED AS RESOLUTION R-275343

Certifying that the information contained in Environmental Negative Declaration END-88-1187, in connection with the vacation of a segment of "E" Street and "F" Street, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and has been reviewed and considered by the Council.

FILE LOCATION: Subitems A and B DEED F-5216 STRT J-2732
DEEDFY90-1

COUNCIL ACTION: (Tape location: A300-305.)

Hearing began 10:39 a.m. and halted 10:41 a.m.

MOTION BY FILNER TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea,

Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea,
Filner-yea, Mayor O'Connor-yea.

ITEM-331: CONTINUED TO APRIL 3, 1990, 10:00 A.M.

Rezoning an approximately 9,650 square-foot lot from Zone A-1-1 to Zone CA. The subject property is located on the east side of 30th Street, between Coronado Avenue and Del Sol Boulevard, in the Otay Mesa-Nestor Community Plan area, and is further described as a portion of the northeast quarter of the northeast quarter of the southeast quarter of Section 27, Township 18 South, Range 2 West, San Bernardino Base Meridian.

(Case-89-0795. District-8.)

Subitem-A: (R-90-1123)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-89-0795 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-90-137)

Introduction of an Ordinance for CA Zoning.

FILE LOCATION: Subitem-A ZONE ORD. NO., Subitem-B --

COUNCIL ACTION: (Tape location: A020-029.)

MOTION BY FILNER TO CONTINUE TO APRIL 3, 1990, 10:00 A.M. AT THE PLANNING DEPARTMENT'S REQUEST TO ALLOW THE APPLICANT TO PREPARE A LAND USE AGREEMENT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-not present, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-332:

Two actions relative to the Garnet Avenue (Soledad Mountain Road to I-5) Underground Utility District:

(Pacific Beach Community Area. District-6.)

Subitem-A: (R-90-1143) ADOPTED AS RESOLUTION R-275344

Establishing an Underground Utility District to be known and denominated as the Garnet Avenue (Soledad Mountain Road to I-5) Underground Utility District.

Subitem-B: (R-90-1144) ADOPTED AS RESOLUTION R-275345

Authorizing the expenditure of an amount not to exceed \$4,500 from CIP-37-028, Gas Tax Fund 32191, for the purpose of administering the Garnet Avenue (Soledad Mountain Road to I-5) Underground Utility District, minor City Force work and other related work.

CITY MANAGER SUPPORTING INFORMATION: The proposed district will underground the overhead utility facilities on Garnet Avenue between Soledad Mountain Road and I-5. This is a scheduled project in the calendar year 1990 Capital Improvements Program. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A future resolution will establish the date for removal of overhead utilities as the undergrounding work approaches completion.
Aud. Cert. 9000644.

FILE LOCATION: Subitems A and B STRT K-192

COUNCIL ACTION: (Tape location: A306-314.)

Hearing began 10:41 a.m. and halted 10:42 a.m.

MOTION BY HENDERSON TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

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ITEM-333: CONTINUED TO JUNE 19, 1990 10:00 A.M.

(Continued from the meeting of December 12, 1989, Item 331, at Alan Perry's request, for further review.)

Appeal of the Torrey Pines Community Planning Group, by Opal Trueblood, Chair, from the decision of the Planning Commission in granting Hillside Review and Resource Protection Overlay Zone HRP/RPZ-88-0540. The project proposes to realign and widen El Camino Real between the existing Carmel Valley Road and to approximately 500 feet south of Arroyo Sorrento Road. The subject property is located east of I-5 and south of Carmel Valley Road, in Zones A-1-10 and Floodway (FW), within the area of the

North City West and Sorrento Hills Community Plans. The subject property is more particularly described as a portion of the west half of the northwest quarter of Section 30, a portion of the southwest quarter of the southwest quarter of Section 19, Township 14 South, Range 3 West, S.B.B.M., and Parcels 1, 2 and 3, Parcel Map PM-14873.

(HRP/RPZ-88-0540. District-1.)

Subitem-A: (R-90-)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-88-0540 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (R-90-)

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

Subitem-C: (R-90-)

Adoption of a Resolution containing appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with Environmental Impact Report EIR-88-0540.

FILE LOCATION: Subitems A and C PERM HRP-88-0540, Subitem-B
PERM HRP/RPOZ-88-0540

COUNCIL ACTION: (Tape location: A045-060.)

MOTION BY WOLFSHEIMER TO CONTINUE TO JUNE 19, 1990, 10:00 A.M.
AT THE REQUEST OF THE PLANNING DEPARTMENT FOR FURTHER REVIEW
AFTER THE HEARING ON THE CARMEL VALLEY RESTORATION AND
ENHANCEMENT PROJECT. Second by Hartley. Passed by the
following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea,
Pratt-yea, Bernhardt-not present, Henderson-not present,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-334:

- 1) Appeal of T & S Development, Inc., by Matthew A. Peterson, Attorney, from the decision of the Planning Commission in denying:
 - a) Planned Commercial Development Permit PCD-89-0366, proposing an addition of 652,000 square feet of

commercial retail square footage to the existing La Jolla Village Square Shopping Center which presently encompasses 350,000 square feet;

b) Planned Commercial Development Permit PCD-89-0404 and Tentative Map TM-89-0404 (La Jolla Village Square Expansion), proposing the removal of 8.8 acres from the Cape La Jolla residential project thereby reducing this project from a maximum of 240 units to 52 units (presently developed), and proposing to resubdivide a 39.1 acre site into 15 parcels; and

2) Proposing to amend the University Community Plan to increase the allotted development intensity for the La Jolla Village Square Shopping Center. The Council may also consider alternatives to the allowable density range for the site.

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The subject property (approximately 40.8 acres) is located west of I-5, south of Nobel Drive, east of Villa La Jolla Drive and Via Mallorca, and north of Via Alicante, in the University Community Plan area, and is further described as Parcels 1 through 4 of Parcel Map PM-8363, lying within Lots 8 and 9 of Villa La Jolla Unit No. 4, Parcel Map PM-6985, and Lots 1-22 (inclusive of Cape La Jolla) according to Map-11190.
(PCD-89-0366 & PCD & TM-89-0404. District-1.)

Subitem-A: (R-90-1339 Rev.1) ADOPTED AS RESOLUTION R-275346

Adoption of a Resolution certifying that the information contained in Environmental Impact Report Nos. EIR-89-0102, EIR-89-0366 and EIR-89-0404 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said reports have been reviewed and considered by the Council; and adopting a mitigated monitoring and reporting program and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-90-1681) ADOPTED AS RESOLUTION R-275347
GRANTING APPEAL, GRANTING PERMIT

Adoption of a Resolution granting or denying the appeal and
granting or denying PCD-89-0366 permit, with appropriate
findings to support Council action.

Subitem-C: (R-90-1682) ADOPTED AS RESOLUTION R-275348,
GRANTING APPEAL, GRANTING PERMIT

Adoption of a Resolution granting or denying the appeal and
granting or denying PCD-89-0404 permit, with appropriate
findings to support Council action.

Subitem-D: (R-90-1683) ADOPTED AS RESOLUTION R-275349
GRANTING APPEAL, GRANTING MAP

Adoption of a Resolution granting or denying the appeal and
granting or denying the map, with appropriate findings to
support Council action.

Subitem-E: (R-90-1338) ADOPTED AS RESOLUTION R-275350
GRANTING PLAN AMENDMENT

Adoption of a Resolution granting or denying the plan
amendment.

NOTE: See companion Item No. 335, Calbiochem project.

FILE LOCATION: Subitems A and B PERM-PCD-89-0366, Subitem-C
PERM-PCD-89-0404, Subitem-D SUBD-La Jolla
Village Square, Subitem-E LAND-University
Community Plan.

COUNCIL ACTION: (Tape location: A322-B119.)

Hearing began 10:42 a.m. and halted 11:10 a.m.

Testimony in favor by Matt Peterson.

Testimony in opposition by Al Strohlein and H. Bailey Gallison.

MOTION BY WOLFSHEIMER TO ADOPT THE RESOLUTION FOR SUBITEM-A
INCLUDING THE ALTERNATIVE STATEMENT OF FINDINGS AND THE

STATEMENT OF OVERRIDING CONSIDERATIONS WHICH DEALS WITH THE PARKING GARAGE ISSUE AND THE MITIGATION IMPACTS SUBMITTED BY THE APPLICANT, ADOPT RESOLUTIONS FOR SUBITEMS B, C, D, AND E, GRANTING THE APPEAL AND GRANTING THE PLANNED COMMERCIAL DEVELOPMENT PERMITS, AND DIRECT THE PLANNING DEPARTMENT TO WORK

WITH THE APPLICANT AND CALTRANS TO ACCOMPLISH APPROPRIATE LANDSCAPING FOR THE UNDERGROUND GARAGE AREA ON CALTRANS PROPERTY. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

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ITEM-335: RETURNED TO PLANNING DEPARTMENT

Proposal to amend the University Community Plan (Calbiochem project) to increase the allotted development intensity for scientific research use from 7,585 square feet per acre to 20,000 square feet per acre on a 16.08-acre site. Maximum development under the amendment could increase from approximately 122,000 square feet to 321,000 square feet of scientific research use. The project site is located in the University community at the northeast corner of North Torrey Pines and Science Park Roads.

Alternatives to the allowable density range for this site may also be considered.

The proposed plan amendment also constitutes an amendment to the Local Coastal Program (LCP). If adopted, the proposed LCP amendment must be submitted to the California Coastal Commission for review and certification. The LCP amendment would not become effective until after approval by the California Coastal Commission.

(District-1.)

Subitem-A: (R-90-)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-89-0702 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081, Environmental Quality Act of

1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (R-90-)

Adoption of a Resolution approving or denying the plan amendments.

NOTE: See companion Item 334, La Jolla Village Square expansion.

FILE LOCATION: Subitems A and B LAND-University Community Plan

COUNCIL ACTION: (Tape location: A030-048.)

MOTION BY WOLFSHEIMER TO RETURN TO PLANNING DEPARTMENT TO REDOCKET WHEN APPROPRIATE AT THE REQUEST OF JEFF TAXON. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-not present, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-336: CONTINUED TO APRIL 5, 1990, AT 10:00 A.M.

Consideration and direction on a proposed Growth Management Program consisting of:

1. Framework Memorandum for Planned Growth Management Program.
2. General Plan Amendment including the Guidelines for Future Development and other plan amendments.
3. Council Polices on: (a) Capital Facilities Plan for City-wide Public Improvements, (b) Fiscal Impact

Analysis, (c) Development Phasing, and (d) Development Monitoring.

4. Other needed policies, resolutions, and/or ordinances necessary to implement the Growth Management Program.
5. Amendments to the Planned Residential Development Ordinance, the A-1 Zone, Conditional Use Permit Ordinance, Council Policy 600-29, the Floodway Zone and any other ordinance amendment needed to strengthen the policies governing the Future Urbanizing Area.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: C017-085.)

MOTION BY BERNHARDT TO CONTINUE ITEMS 336 AND 337 TO A SPECIAL

COUNCIL MEETING ON APRIL 5, 1990, AT 10:00 A.M., AS REQUESTED BY MAYOR O'CONNOR, IN ORDER THAT DR. FREILICH MAY BE IN ATTENDANCE.

Second by Pratt. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,
Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

ITEM-337: CONTINUED TO APRIL 5, 1990 AT 10:00 A.M.

Three actions relative to Citywide Impact Fees:

Subitem-A: (O-90-95)

Introduction of an Ordinance amending Chapter VI, Article
1, of the San Diego Municipal Code by adding Division 25,
Sections 61.2501, 61.2502, 61.2503, 61.2504, 61.2505,
61.2506, 61.2507, 61.2508, 61.2509 and 61.2510 relating to
Impact Fees.

Subitem-B: (R-90-1422)

Adoption of a Resolution to impose Citywide Impact Fees.

Subitem-C: (R-90-1423)

Adoption of a Resolution rescinding Development Impact Fees
for branch libraries and fire facilities as currently
charged in the urbanized areas and replacing them with one
standard impact fee for libraries and one for fire
facilities in all urbanized communities.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: C017-085.)

MOTION BY BERNHARDT TO CONTINUE ITEMS 336 AND 337 TO APRIL 5,
1990, AT 10:00 A.M., AS REQUESTED BY MAYOR O'CONNOR IN ORDER
THAT DR. FREILICH MAY BE IN ATTENDANCE. Second by Pratt.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-338: (R-90-1115) ADOPTED AS RESOLUTION R-275351

Areas proposed to be classified as protected single-family
neighborhoods in the Skyline-Paradise Hills Community Plan
area. The existing zoning and community plan designations
are consistent with the protected single-family

classification, therefore no community plan amendment or rezoning is proposed.

Upon adoption of the protected single-family neighborhood maps by the City Council, those areas of the Skyline-Paradise Hills community planning area that are not mapped as protected single-family neighborhoods will be released from the provisions of the Single-family Protection Ordinance (O-17250 N.S.) adopted on February 21, 1989. Subsequently, property owners in these areas will be able to apply for permits to construct multi-family residential developments.

Larger scale maps showing neighborhoods proposed to be classified as protected single-family neighborhoods are available in the City Planning Department.

(District-4.)

Adoption of a Resolution approving the protected single-family neighborhood map for Skyline-Paradise Hills.

FILE LOCATION: LAND - Skyline-Paradise Hills Community Plan

COUNCIL ACTION: (Tape location: C270-301.)

Hearing began at 2:26 p.m. and halted at 2:29 p.m.

MOTION BY PRATT TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-339:

Appeals of Hazel Margaret Higgins and Encanto Task Force, by Ardise Rawlins, from the decision of the Planning Commission for an eight-lot tentative subdivision map (Habitat for Humanity - Carter Work Camp) that was deemed an approval. Development at the site is intended to house low income families. The applicant is requesting a variance to allow:

- 1) Reciprocal access to all lots with the exception of Lot 3, where lots are required to have direct access from a dedicated street;
- 2) A frontage variance for Lots 1, 2 and 3 for 50 feet, 52 feet and 26.5 feet of frontage respectively, where the SF-6000 Zone requires a minimum of 60 feet;
- 3) A depth of 93 feet for Lot 6, where the SF-6000 Zone requires a minimum of 95 feet of depth; and
- 4) An underground waiver for the existing above ground

electrical facility.

The subject property (approximately 1.49 acres) is located at 910 60th Street, and is more particularly described as a portion of Block 4 of Larchmont, Map-1319, in Zone SF-6000, in the Southeast San Diego Community Plan area.

(TM-89-1066. District-3.)

Subitem-A: (R-90-1709) ADOPTED AS RESOLUTION R-275352

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Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-89-1066 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and

that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-90-1710) ADOPTED AS RESOLUTION R-275353,
DENIED APPEAL AND GRANTED MAP

Adoption of a Resolution granting or denying the appeal and granting or denying the map, with appropriate findings to support Council action.

FILE LOCATION: SUBD - HABITAT FOR HUMANITY - CARTER WORK
CAMP

COUNCIL ACTION: (Tape location: C307-E579.)

Testimony in favor of the appeal by Hazel Higgins, Marlin Rawlins, Joshua Von Wolfolk, Verna Quinn, Edwin Budzinski, John Lawson, Anna Major, Thomas McPhatter, and Kati Ward.

Testimony in opposition to the appeal by George McKinny, Frank Jordon, Linda Smith, Reverend Manley, Jim Lantry, Woody Gorbin, Dennis Brisco, Edward Walton, Ken Sanders, Jose Fragoso, and Arthur Deutch.

Mayor O'Connor closed the hearing.

MOTION BY HARTLEY TO ADOPT A RESOLUTION TO CERTIFY THE

INFORMATION CONTAINED IN THE ENVIRONMENTAL NEGATIVE
DECLARATION

END-89-1066, AND ADOPT A RESOLUTION DENYING THE APPEAL AND
GRANTING THE MAP. Second by Bernhardt. Passed by the following
vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,
Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

ITEM-340: RETURNED TO THE PLANNING DEPARTMENT

Request for approval of Centre City Overlay Zone Permit
Case-89-0775 to construct the Pacific Galleria project, a
12-story (160 feet tall, 214,000 sq. ft.) office building
and a 207 room, 128,200 sq. ft. hotel with a 473 space
subterranean parking garage. The subject property is
located on Pacific Highway between Fir and Date Streets and
is further described as Lots 1-2, 7, 8, 9, 18-24 and a
portion of Lot 3, Middletown, Map-533, in the Centre City
Community Plan Area.

(Case-89-0775. District-2.)

Subitem-A: (R-90-1194)

Adoption of a Resolution certifying that the information
contained in Environmental Mitigated Negative Declaration
EMND-89-0775 has been completed in compliance with the
California Environmental Quality Act of 1970 and State
guidelines, and that said declaration has been reviewed and
considered by the Council.

Subitem-B: (R-90-1193)

Adoption of a Resolution approving the Pacific Galleria
project.

FILE LOCATION: PERM - Centre City Overlay Zone Permit
Case-89-0775

COUNCIL ACTION: (Tape location: C129-260.)

MOTION BY FILNER TO RETURN THE ITEM TO THE PLANNING DEPARTMENT
TO BE RE-DOCKETED AFTER THE CENTRE-CITY PLAN IS APPROVED.

Second by Hartley. Passed by the following vote:

Wolfsheimer-yea, Roberts-nay, Hartley-yea, Pratt-yea,
Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-nay.

ITEM-341:

Two actions relative to Petroleum Pollution (aka Hydrocarbon Plume):

(See City Attorney Report dated 2/23/90. Centre City Community Area. District-8.)

Subitem-A: (R-90-1324) ADOPTED AS RESOLUTION R-275354

Authorizing the execution of an agreement for Legal Services with Morrison and Foerster to represent the City in a lawsuit filed against potentially responsible parties of petroleum pollution in the Marina Redevelopment Project area.

Subitem-B: (R-90-1325) ADOPTED AS RESOLUTION R-275355

Authorizing the execution of a Waiver of Conflict of Interest Agreement with the Redevelopment Agency of the City of San Diego.

FILE LOCATION: MEET CONT FY90-2

COUNCIL ACTION: (Tape location: E580-617.)

MOTION BY McCARTY TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

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ITEM-S500: DID NOT ARRIVE

Welcoming a group of approximately 15 students from Centre City Skills Center, accompanied by their professor, Maxine Williams. This group will arrive at approximately 11:30 a.m.
(District-8.)

FILE LOCATION: AGENDA

ITEM-S501: (R-90-1672) ADOPTED AS RESOLUTION R-275356, DENIED APPEAL AND GRANTED PERMIT

19900320

(Continued from the meetings of October 10, 1989, Item 330, October 31, 1989, Item 333; December 5, 1989, Item 339 and February 6, 1990, Item 339; last continued at the request of Robert Green from the Planning Department, to allow time for preparation of the environmental documents.)

Appeal of James H. N. Hudnall, Jr. by Procopio, Cory, Hargreaves & Savitch and Althea D. Lucic, et al, for a hearing of an appeal from the decision of the Planning Commission in granting Coastal Development Permit CDP-89-0393 for the demolition of an existing single-family dwelling on Lots 2 and 3 and the construction of a new single-family dwelling unit consisting of 2,921 square feet of floor area to be located on one of the existing two lots (Lot 3). The subject property is located at 1447 Park Row and is further described as Lots 2 and 3, Block 47 of La Jolla Park, Map-352 in Zone R1-5000 within the La Jolla Community Plan Area.

(CDP-89-0393. District-1.)

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

FILE LOCATION: PERM - CPP-89-0393

COUNCIL ACTION: (Tape location: F019-G079.)

Hearing began at 4:10 p.m. and halted at 4:56 p.m.

Testimony in favor of the appeal by Bill Eigner, and James Hudnall.

Testimony in oppositon to the appeal by Lynn Heidel, A.C. Pierson, and Susan Pransky.

Deputy Mayor Wolfsheimer closed the hearing.

MOTION BY WOLFSHEIMER TO DENY THE APPEAL AND TO PERMIT THE PROJECT TO MOVE FORWARD BASED ON FINDINGS THAT THE PROJECT IS COMPATIBLE WITH THE NEIGHBORHOOD AND COMPLIES WITH THE

COMMUNITY

PLAN AND THE GENERAL PLAN. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea,

Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S502: (R-90-1475) ADOPTED AS RESOLUTION R-275357

Directing the City Auditor and Comptroller to reimburse the County of San Diego for 50 percent of its costs related to an environmental study of the SANDER site if the study reveals that the site cannot be used for a pre-trial detention facility.

CITY MANAGER SUPPORTING INFORMATION: On August 9, 1989, the City Council and Board of Supervisors approved a Memorandum of Understanding regarding jails and courtrooms. The MOU states that the City will provide the County with a 25-40 acre site so that the County can build a permanent 700 bed pre-trial detention facility. The County will pay the City for the fair market value of the site from Proposition A (1/2 cent sales tax) funds or funds from a subsequent tax measure necessary to finance jail construction. The City site currently under consideration is the 40-acre SANDER site which is part of the

Navy-City land exchange. There are two other sites under consideration by the County - Front and B Street and Overland Drive. To expedite the construction of the pre-trial detention facility the County has engaged the services of Woodward-Clyde to do a "fatal-flaw" study of the SANDER site for hazardous waste or other unsuitable conditions. This study will cost \$111,494. The Board of Supervisors has approved this contract and the appropriation of the necessary funding. The Board has requested that if the site is found to be unsuitable that the City reimburse the County for 50 percent of its costs. Because this study would be necessary anyway for the City to properly develop and market this property, the Manager recommends approval.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G080-310.)

Motion by Bernhardt to continue the item for 30 days. Second by McCarty. Second withdrawn by McCarty.

MOTION BY ROBERTS TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-nay, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

By common consent, Deputy Mayor Wolfsheimer adjourned the meeting at 5:14 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G311-312).